CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

MAY 6, 2008

INVOCATION:
Pastor Rick Bloom of Pacific Christian Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Orach led the pledge of allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Director of Public Works/City Engineer Whitehead, Director of Utilities Sweet, Director of Recreation and Parks Posada, Director of Administrative Services Snodgrass, Planning Division Manager Woods, Police Chief Macagni, Fire Chief Ortiz, and Chief Deputy City Clerk Perez.

PRESENTATION OF AWARD
Brian Schwartz of Urban Planning Concepts presented the City Council with a First Place Award for project excellence in the category of "Hard-Won Victories" from the Central Coast American Planning Association for the Santa Maria Airport Business Park Specific Plan. City staff in cooperation with Urban Planning Concepts will also be entering the Specific Plan in the State American Planning Association competition in Hollywood. Mayor Lavagnino accepted the award on behalf of the City.

PRESENTATION OF PORTABLE STAGE
Kirk Spry, Chairperson of People for Leisure and Youth (PLAY), Inc., presented a 2008 Stageline Portable Stage Trailer to the City for use by the Recreation and Parks Department for community and department special events. The stage is 24-feet long and will provide a professional-level performance stage for various performance genres. The unit is valued at $118,000 and was jointly funded by PLAY, Inc., the Santa Barbara Foundation, and the Hutton Foundation in an effort to expand the arts in the community.

Sister Janet Corcoran, Recreation and Parks Commission Chair, thanked PLAY for the portable stage and talked about the benefit to the community.

Resolution No. 2008-56 accepting the portable stage was adopted on motion by Councilmember Orach, seconded by Councilmember Zacarías, and carried on the following vote:

AYES:	Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution No. 2008-56 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ACCEPTING A PORTABLE STAGE UNIT FROM THE PEOPLE FOR LEISURE AND YOUTH, INC., FOR USE IN THE RECREATION AND PARKS DEPARTMENT.

PROCLAMATION – RELAY FOR LIFE DAYS
Councilmember Trujillo read a proclamation declaring May 1, 2008, as "Paint Our Town Purple Day" and July 12-13, 2008, as "Relay for Life Days" in the City of Santa Maria

and encouraging the residents to join in recognizing and participating in this purposeful event held in our community and to recognize all those living with cancer, and honor those individuals who have lost their lives to the dreaded disease of cancer. The proclamation was accepted by Janna Douma.

PROCLAMATION – ASTHMA AWARENESS DAY
Councilmember Zacarías read a proclamation declaring May 7, 2008, as "Asthma Awareness Day" in the City of Santa Maria and urging all residents to be aware of the importance of addressing this critical public health problem so those with asthma can live a healthy, active life. The proclamation was accepted by Maridah Mohammed.

PROCLAMATION – NATIONAL TOURISM WEEK
Councilmember Orach read a proclamation declaring May 10 through 18, 2008, as "National Tourism Week" in the City of Santa Maria and encouraging people to observe the week with appropriate ceremonies and activities. The proclamation was accepted by Terri Paniagua, Gina Keough and Jennifer Mejia of the Santa Maria Valley Chamber of Commerce and Visitor and Conference Bureau.

PROCLAMATION – NATIONAL POLICE WEEK
Mayor Lavagnino read a proclamation declaring the week of May 11 through 17, 2008, as "National Police Week" and Wednesday, May 14, 2008, as "Peace Officers' Memorial Day" in the City of Santa Maria and encouraging all residents to remember those individuals who gave their lives for our safety and express our appreciation to those who continue to dedicate themselves to making Santa Maria a safer place in which to live. The proclamation was accepted by Sergeant Greg Carroll, SMPOA President, and Corporal Steve Lopez, Chairperson of the Peace Officers Memorial Committee.

PROCLAMATION – NATIONAL PUBLIC WORKS WEEK
Councilmember Patino read a proclamation declaring the week of May 18 through 24, 2008, as "National Public Works Week" in the City of Santa Maria and encouraging the residents of Santa Maria to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life. The proclamation was accepted by Kevin McCune, City Engineer for the City of Lompoc and American Public Works Association Coast Chapter President.

PROCLAMATION – WATER AWARENESS WEEK
Councilmember Trujillo read a proclamation declaring the month of May 2008 as "Water Awareness Month" in the City of Santa Maria and encouraging residents and businesses to increase their water awareness and make conservation a continuing way of life. The proclamation was accepted by Brianna Alvarez, Courtney Reyburn, and Savannah Whitty.

PROCLAMATION – GO WESTERN DAYS
Mayor Lavagnino read a proclamation declaring May 19 through June 1, 2008, as "Go Western Days" in the City of Santa Maria and encouraging all residents to enter into the rodeo spirit by wearing western apparel. No one was present to accept the proclamation.

PUBLIC COMMENT
Paula James spoke regarding the Minuteman Civil Defense Corps and her recent work at the border. She also talked about a 2005 United States Supreme Court decision allowing immigration status to be questioned during a lawful police contact.

Karen Cobb spoke regarding a student demonstration on May 1st at the corner of Cook Street and Broadway where the students were waving Mexican flags. She also talked about being given a citation for honking her horn in support of a small group of people at the same intersection displaying the American flag.

Bob Ziener spoke about the Downtown Specific Plan and urged the public to get involved. He also encouraged a replica of the flag ship Santa Maria to be incorporated into the Downtown area to give the City an identity.

Sister Janet Corcoran spoke regarding establishing a green waste program for Santa Maria. She also talked about the cogeneration plant at Marian Medical Center that was using the methane gas from the landfill to power the Medical Center and the need for immigration reform that would allow illegal immigrants to become citizens easier.

Sharon Knotts spoke regarding the students waving Mexican flags during the demonstration on May 1st, and Police Officers issuing citations to people who were honking their horns.

Paul Bongiorno spoke about a KSBY news broadcast regarding the County's Economic Forecast and the threat of gang violence in the County hurting the economy. He talked about the number of illegal aliens in jail and prison.

Mickey Freeman talked about letters to the editor in the Santa Maria Times calling the Minutemen racists and people entering the country illegally.

Richard Dydell talked about his wife's hospital bill and the medical care given to illegal aliens for free. He expressed concern about the number of bad people moving into the City. He talked about the H2-A Visa program.

Joan Leon, representing the Santa Maria Community Coalition, asked the City Council to reconsider adopting Ordinance No. 2008-07, Item 3E on the Consent Calendar, which would increase noise levels in residential areas. She talked about the noise level standards listed in the Downtown Specific Plan and how they were in conflict with the proposed ordinance.

Vibriana Saavedra also talked about Ordinance No. 2008-07 and expressed concern regarding the new noise levels contradicting the Downtown Specific Plan. She talked about the potential impact on Code Compliance with more complaints regarding noise.

CONSENT CALENDAR
Councilmember Zacarías requested Item 3E be pulled for comment.

Item 3E – Ordinance No. 2008-07
Councilmember Zacarías stated she understood that this ordinance would allow an increased noise level in multi-family residential areas and mixed use areas, but would not affect single family areas. She asked for clarification on how the ordinance would be applied.

Planning Division Manager Woods stated generally mixed-use projects would take advantage of the ordinance, primarily in the Downtown area. Other locations would be in areas such as along McCoy where traffic levels were higher. Originally, a proposal came in for an open design, non-walled community to interface with the streets and commercial areas. That type of development would not be permitted under current regulations and would require a seven to eight foot wall to serve as a buffer from the traffic noise. The ordinance only applies to exterior patios and balcony areas. The interior requirements would not change. The ordinance would allow getting away from high walls surrounding new developments and walled-in communities.

Councilmember Trujillo talked about a letter the City received regarding this ordinance and the City's response to that letter. He felt the response provided a very good explanation.

City Manager Ness explained that this ordinance did not allow a noise level increase for noise generators. It only allowed an increase for noise receptors.

Councilmember Patino moved to approve Consent Calendar items A through L except Item E. The motion died due to lack of a second.

Councilmember Patino indicated she wished to vote no on Item 3E, Ordinance No. 2008-07 only, which was the reason for her motion.

Consent Calendar Items A through L were approved on motion by Councilmember Orach, seconded by Councilmember Zacarías, and carried on the following vote:

AYES: Councilmembers Orach, Trujillo, Zacarías, and Mayor Lavagnino
NOES: Councilmember Patino
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of April 15, 2008, were approved as submitted.

C. WARRANTS
Warrant Nos. 141434 to 141956 in the amount of $4,580,462.77 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 137343, 140663, 140930, 140978, 140805, and 141173, were cancelled.

D. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

E. ORDINANCE NO. 2008-07
Second reading of Ordinance No. 2008-07 was conducted by title only and the ordinance was adopted amending Chapters 12-7, 12-8, and 12-49 of the Municipal Code relating to noise in outdoor living areas.

Ordinance No. 2008-07 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING CHAPTERS 12-7, 12-8, AND 12-49 OF THE SANTA MARIA MUNICIPAL CODE PERTAINING TO NOISE IN OUTDOOR LIVING AREAS.

F. ORDINANCE NO. 2008-08
Second reading of Ordinance No. 2008-08 was conducted by title only and the ordinance was adopted amending the West Main Specific Plan modifying the land use development standards text and figures contained in Section 3.0 of the Specific Plan.

Ordinance No. 2008-08 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AMENDMENTS TO SECTIONS 3.0 (LAND DEVELOPMENT REGULATIONS) OF THE WEST MAIN SPECIFIC PLAN SPZ-2007-003.

G. JAG GRANT
Resolution No. 2008-57 was adopted authorizing the appropriation of $40,323 to be allocated to the Santa Maria Police Department under the provisions of the 2007 Edward J. Byrne Memorial Justice Assistance Grant (JAG) Program, in concert with the terms and conditions contained therein.

Resolution No. 2008-57 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROPRIATING FUNDING UNDER THE 2007 EDWARD J. BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM.

H. ANTI-GANG GRANT
Resolution No. 2008-58 was adopted authorizing the appropriation of $69,074 to be allocated to the Santa Maria Police Department under the provisions of the Department of Justice Anti-Gang Initiative Program, in concert with the terms and conditions contained therein.

Resolution No. 2008-58 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROPRIATING FUNDING UNDER THE ANTI-GANG INITIATIVE PROGRAM.

I. SUBDIVISION MAP
Resolution No. 2008-59 was adopted approving the Subdivision Map for College Square, Tract 5930, generally located at the southwest corner of College Drive and Betteravia Road.

Resolution No. 2008-59 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE SUBDIVISION MAP FOR COLLEGE SQUARE, TRACT 5930.

J. TRANSPORTATION DEVELOPMENT ACT CLAIM
Resolution No. 2008-60 was adopted approving the Transportation Development Act (TDA) claim for fiscal year 2008-09.

Resolution No. 2008-60 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING THE FILING OF A CLAIM WITH THE SANTA BARBARA COUNTY ASSOCIATION OF GOVERNMENTS FOR ALLOCATION OF TRANSPORTATION DEVELOPMENT ACT FUNDS FOR FISCAL YEAR 2008-09.

K. STOP SIGNS
Resolution No. 2008-61 was adopted approving the establishment of a 2-way stop sign at the intersection of East Plaza Drive and South School Street and a boulevard stop at the intersection of South School Street and Barcellus Avenue.

Resolution No. 2008-61 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ESTABLISHING A TWO-WAY STOP AT THE INTERSECTION OF EAST PLAZA DRIVE AND SOUTH SCHOOL STREET AND A BOULEVARD STOP AT THE INTERSECTION OF SOUTH SCHOOL STREET AND BARCELLUS AVENUE PURSUANT TO SECTION 7-5.20 OF THE SANTA MARIA MUNICIPAL CODE.

L. ORDINANCE NO. 2008-06
Second reading of Ordinance No. 2008-06 was conducted by title only and the ordinance was adopted increasing the water and sewer rates by five percent (5%) effective July 1, 2008.

Ordinance No. 2008-06 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, RELATING TO INCREASING WATER AND SEWER RATES BY FIVE PERCENT.

CONTINUATION OF BREEZE REGIONAL BUS SERVICE
Director of Public Works/City Engineer Whitehead gave the staff report. The Breeze Pilot Program began on May 9, 2005, as a result of the 2003 Unmet Transit Needs Assessment by the Santa Barbara County Association of Governments. The City of Santa Maria has operated the service for nearly three years. The Breeze functions as a commuter service between the Cities of Lompoc and Santa Maria, and Vandenberg Air Force Base. The Breeze connects with the local transit services (Colt, SMAT, and Vandenberg carpooling) allowing passengers to transfer to other bus routes to reach their final destination. The Breeze provides weekday service from 5:45 a.m. to 6:30 p.m., and it provides approximately 42,300 passenger trips per year. The Breeze pilot service was governed by a Memorandum of Understanding (MOU) that addressed funding for operations and capital needs. The stakeholders of that MOU were the City

of Santa Maria, City of Lompoc, Santa Barbara County Association of Governments, and the County of Santa Barbara. The MOU created a Technical Committee (TC) and a Policy Advisory Committee (PAC) to provide direction over the Breeze Pilot Service.

The MOU required a performance evaluation of the service to determine if the Breeze met established performance criteria, and if warranted, to develop a long-term cost-sharing plan. The Breeze TC performed the Breeze service evaluation. The service met performance requirement goals during all three fiscal years of pilot program service. The Breeze PAC reviewed the evaluation report and the recommendations for service continuation. The Breeze PAC approved the recommendations of the Breeze TC. The recommendations for the Breeze are: (1) continue the Breeze service by Memorandum of Understanding beginning on July 1, 2008, for a minimum of six years through July 1, 2014; (2) implement the Local Capital Reserve Strategy beginning July 1, 2008; (3) if the renewal of Measure D is successful, amend the MOU to reflect the Measure D-Capital Strategy as the new cost-strategy; and (4) each city and county would be an equal partner and share in the administrative, operating, and capital costs of the Breeze.

Vibriana Saavedra, Santa Maria Community Coalition and SBCAN, said they supported the continuation of the Breeze and talked about the benefit to the community especially with current gas prices and air pollution. She suggested the new bus to be purchased be energy efficient. She thanked the City for spearheading the program.

Mayor Lavagnino announced that the City received an email opposing the continuation from Justin Ruhge from Lompoc.

Councilmember Zacarías thanked the Council for allowing her to serve on the Policy Advisory Committee and Director Whitehead for mentoring her on the Breeze program. She talked about the benefit to the community and the positive comments she had received from riders of the Breeze.

Councilmember Patino asked what was meant by "on time" performance?

Director Whitehead indicated he believed it was less than 15 minutes late.

Resolution No. 2008-62 was adopted approving the continuation of the Breeze Regional Bus Service on motion by Councilmember Zacarías, seconded by Councilmember Trujillo, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2008-62 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, FOR THE CONTINUATION OF THE BREEZE REGIONAL TRANSIT SERVICE.

MEASURE D TWO-YEAR LOCAL PROGRAM OF PROJECTS

Director of Public Works/City Engineer Whitehead gave the staff report. In November 1989, the voters approved the Santa Barbara Improvement Program Ordinance and Expenditure Plan known as Measure D. In compliance with the ordinance, each year the City of Santa Maria holds a public hearing, adopts a Local Program of Projects for Measure D expenditures, and submits it to the Santa Barbara County Association of Governments (SBCAG). Measure D will expire in 2010 unless renewed by the voters. This year staff prepared the Local Program of Projects to cover the remaining two years of the program. The list of proposed projects complies with the requirements of the Measure D ordinance. In previous years the Local Program of Projects allocated the funds to a category entitled "Street Maintenance and Various Improvements," which describes the broad category of street maintenance strategies including chip seals, overlays and reconstructions of street surfaces. Maintenance of the existing street system is the primary goal of the City's local Measure D effort. Other transportation funding sources,

such as Gas Tax, Growth Mitigation, and other grant programs are available for capital expenditures through the normal budget process.

In the past, public hearings for the Measure D Local Program of Projects were held at the City Council meetings. This year the public hearing was held at an evening workshop on April 16, 2008, to solicit public input for the City's Measure D Local Program of Projects. Eleven residents from the community attended the workshop and provided input. The group discussion resulted in over 25 separate issues, concerns, questions, suggestions, and requests. One suggestion from that workshop was to expand on the level of detail of project expenditures. Staff responded by breaking the broad category of street maintenance into eleven distinct categories for project expenditures. In general, the group expressed support for the way that the City of Santa Maria has utilized Measure D funding. They also mentioned that they look forward to future improvements that address pedestrian accessibility, increased bicycle usage, and the planned transformation of the downtown core identified in the Downtown Specific Plan.

It is important to note that a portion of Santa Maria's local Measure D funding is dedicated to regional paratransit. These transit funds are estimated at $49,703 in the FY 08/09 period, and are not shown on the Local Program of Projects because the funds are administered directly by SBCAG. The monies provide assistance to the frail and elderly to use transit in Santa Maria.

Deborah Brasket, SBCAN and the Santa Maria Community Coalition, thanked Director Whitehead for holding the workshop regarding Measure D and for the more detailed breakdown of how the funds would be spent. She said because all of the City's TDA funds would be used for the Transit Center, they supported the proposed Measure D Local Program of Projects.

Resolution No. 2008-63 was adopted approving the final two years of the Measure D Local Program of Projects on motion by Councilmember Trujillo, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2008-63 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE MEASURE D TWO-YEAR PROGRAM OF PROJECTS FOR FY 2008-09 AND FY 2009-10.

CITY MANAGER'S REPORT

City Manager Ness reported on items expected for the May 20, 2008, City Council meeting including six presentations and proclamations; two public hearings for amendments to the Sign Ordinance and a General Plan Amendment and Zone Change for Fire Station No. 3; presentation by SBCAG for support of Measure A; the Third Quarter Financial Report; an Agreement for Aircraft Rescue and Firefighting Services at the Airport; and the Mitigated Negative Declaration for the Los Flores Ranch Passive Recreation Project.

ORAL REPORTS BY COUNCILMEMBERS

Councilmember Trujillo reported that he attended the National Day of Prayer breakfast on May 1, 2008, at the Knights of Columbus, the Santa Maria Valley Graduation on May 2nd, and the People of Greatness Community Youth Center barbecue on April 28th. He also announced that on May 26th at Pioneer Park, the Santa Maria Veterans would be holding a barbecue to honor all veterans as well as the families from the area who have lost loved ones in Iraq.

Councilmember Patino reported that she attended the Tommie Kunst Junior High School's After School Education and Safety program on April 16th, the 40th Anniversary celebration of the Valley Christian Academy and the Earth Day ceremonies on April 20th, the Connie Garson Memorial at Pioneer Park on April 28th, the 11th Annual

Candle Light Vigil in front of City Hall sponsored by the North County Rape Crisis and Child Protection Service on April 29th, and National Day of Prayer ceremonies on May 1st at the Fairgrounds.

Mayor Lavagnino reported he attended the National Day of Prayer breakfast on May 1st.

Councilmember Zacarías reported that as a Boardmember for the Community Action Commission, she attended a conference in Sacramento the week of April 15th on Ending Poverty, the National Day of Prayer breakfast and lunch on May 1st, the Strawberry Festival, Earth Day ceremonies, Santa Barbara County Action Network awards dinner, United Way Celebration in the Park, and a Black and White Ball. She announced that she had the privilege of serving as the Interim Director for the Historic Dana Adobe in Nipomo and invited everyone to attend Heritage Days at the Dana Adobe on May 17th from 10:00 a.m. to 4:00 p.m.

Councilmember Orach announced that the All-America City Committee's 10th anniversary celebration would be held on June 22nd from noon to 4:00 p.m. in front of the Abel Maldonado Center.

CLOSED SESSION

The City Council recessed to a Closed Session at 8:25 p.m. to discuss Conference with Real Property Negotiators pursuant to Government Code Section 54956.8 for:

Property Address:	1111 W. Betteravia
Agency Negotiators:	City Manager and City Attorney
Negotiating Parties:	Rob Rossi
Under negotiations:	Price and Terms of Payment

Following the Closed Session, the following report was given:

Conference with Real Property Negotiators – Direction to staff was given.

ADJOURNMENT

There being no further business to come before the City Council at this time, Councilmember Zacarías adjourned the meeting at 8:55 p.m. in honor of Tav Sudlow and Mike Holicky who passed away this week.

APPROVED

May 20, 2008
Date

Patricia A. Perez
Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST

Patricia A. Perez
Chief Deputy City Clerk

Mayor of the City of Santa Maria